

Federal Communications Commission

DA 96-1568

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Shell Knob,
Missouri)

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MM Docket No. 96-138
RM-8822

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 13, 1996

Released: September 20, 1996

By the Chief, Allocations Branch:

1. In response to a petition filed by Galen Gilbert ("Gilbert"), the Commission has before it for consideration the Notice of Proposed Rule Making, released June 21, 1996 (DA 96-949), seeking the allotment of Channel 249A to Shell Knob, Missouri. Gilbert filed comments supporting the allotment of Channel 249A at Shell Knob. No other comments were received.

2. The Notice requested that Gilbert furnish information to demonstrate that Shell Knob has the social, economic and cultural indicia to qualify it as a community for allotment purposes.¹ Gilbert was also requested to provide information showing that an actual transmitter site is available that provides city grade coverage to Shell Knob. Gilbert states that the Shell Knob Chamber of Commerce maintains a brochure that lists the retail and service establishments doing business in the community. Shell Knob has a convention center with facilities for 200 people, an airport with a four thousand foot runway, a public library, eight churches and numerous medical services. The Shell Knob public school has over 300 students. Gilbert contends that Shell Knob is a growing community and that the area served by the Shell Knob Post Office and Barry County Electric and Fire District serves 7,704 permanent residents and approximately 2,500 part-time residents. According to Gilbert, there is every indication that this growth will continue. Shell Knob has a number of resort facilities, construction and development related businesses, financial institutions and restaurants and a weekly newspaper. Some of the businesses contain the community name such as the Shell Knob Excavation Co., Shell Knob Drilling and Pump Service, Shell Knob Garden Shop and Shell Knob Veterinary clinic.

¹ The Notice indicated that the 1995 edition of the Rand McNally Commercial Atlas attributes Shell Knob with a post office and zip code and a population of 60 persons.

3. In response to the Commission's concern over site availability, Gilbert provided a letter from a local land owner agreeing to lease a tract of land. Gilbert states that the land is privately owned and is not within the boundaries of the Mark Twain National Forest.

4. We believe that Gilbert has provided us with sufficient indicia to conclude that Shell Knob is a community for allotment purposes. It is an identifiable population grouping with businesses and community organizations that identify themselves with the residents of Shell Knob. See Garrison, Kentucky, 6 FCC Rcd 1428 (1991).

5. After consideration of the information filed in this proceeding, we believe the public interest would be served by the allotment of Channel 249A at Shell Knob, Missouri. Channel 249A can be allotted to Shell Knob in compliance with the Commission's spacing requirements provided there is a site restriction 13.6 kilometers (8.4 miles) north of the community.² The site restriction will prevent a short spacing to a construction permit for Channel 252C1, Station KFAY-FM, Bentonville, Arkansas (BPH-930917IB), and Station KXUS, Channel 247C1, Springfield, Missouri.

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective November 4, 1996, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel No.</u>
Shell Knob, Missouri	249A

7. The window period for filing applications for Channel 249A at Shell Knob, Missouri, will open on November 4, 1996, and close on December 5, 1996.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

² The coordinates for Channel 249A at Shell Knob are 36-45-04 and 93-40-03. The Notice proposed a site 10.5 kilometers northeast of the community at coordinates 36-42-51 and 93-34-36. Additional engineering indicates Channel 249A at that site is short spaced to Station KXUS, Springfield, Missouri. Therefore, a new site is being

9. For further information concerning the above, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 249A at Shell Knob should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau